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July 22, 2022

VIA FOIA ONLINE

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: Freedom of Information Request

Dear Sir or Madam:



In accordance with the Freedom of Information Act, 5 U.S.C. § 552, we hereby request that you make available for review and/or copying any and all documents, records and files, including supporting data and computer data, in the possession, custody, or control of the United States Environmental Protection Agency ("EPA") relating to the Red Hill Bulk Fuel Storage Facility ("Red Hill") underground storage tank ("UST") system that are responsive to this request and were not/will not be otherwise produced in response to Freedom of Information Request No. EPA-R9-2022-000466 or in response to Freedom of Information Request No. EPA-R9-2022-002347.

The below terms are defined as follows:

- The terms "DOCUMENTS" and "COMMUNICATIONS," as used herein, include, but are not limited to, records, memoranda, reports, notifications, investigations, electronic mail, correspondence, surveys, assessments, sampling data, testing data, raw laboratory data, photographs, video recordings, third party reports, interagency memoranda, memoranda of oral conferences, memoranda of telephone conversations, and memoranda of meetings.
- The term "FUEL RELEASE INCIDENT(S)," as used herein includes but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank or tank system.
- The term "RED HILL," as used herein, refers to the United States Department of the Navy's ("Navy") Red Hill UST system as it is described in the Navy's application for a permit to operate submitted to DOH on May 23, 2019, as corrected June 12, 2019, and includes USTs, pipelines, and other infrastructure.

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Specifically, please produce:

Red Hill Fuel Releases, Investigations of Releases, & Release Reporting

1. All DOCUMENTS and COMMUNICATIONS to and from the Navy relating to the following known or suspected FUEL RELEASE INCIDENTS at RED HILL:
 - a. ALL DOCUMENTS and COMMUNICATIONS regarding the FUEL RELEASE INCIDENT at RED HILL that began on or about May 6, 2021, which released approximately 20,000 gallons of fuel from a pipeline in the vicinity of Tanks 18 and 20, including, without limitation, the Navy's efforts to investigate, respond to, and/or notify others of the FUEL RELEASE INCIDENT. As to COMMUNICATIONS, this request includes, without limitation, correspondence in which the Navy was carbon copied.
 - b. ALL DOCUMENTS and COMMUNICATIONS regarding the FUEL RELEASE INCIDENT at RED HILL that began on or about November 20, 2021, which released approximately 14,000 gallons of a mixture of fuel and water from the fire-suppression system at RED HILL, including, without limitation, the Navy's efforts to investigate, respond to, and/or notify others of the FUEL RELEASE INCIDENT. As to COMMUNICATIONS, this request includes, without limitation, correspondence in which the Navy was carbon copied.
 - c. ALL DOCUMENTS and COMMUNICATIONS regarding the FUEL RELEASE INCIDENT at RED HILL that began on or about April 1, 2022, which released approximately 30 gallons of a mixture of fuel and water from a maintenance line connected to Tank 15, including, without limitation, the Navy's efforts to investigate, respond to, and/or notify others of the FUEL RELEASE INCIDENT. As to COMMUNICATIONS, this request includes, without limitation, correspondence in which the Navy was carbon copied.

Environmental Impacts

2. All DOCUMENTS and COMMUNICATIONS comprising or relating to water quality sampling, testing, and monitoring from the Navy's drinking water wells and the entire RED HILL monitoring well network. This request includes, without limitation:
 - a. ALL DOCUMENTS and COMMUNICATIONS regarding any and all contamination found in water originating from the Red Hill Shaft, a drinking-water source for the United States Military on Oahu. As to COMMUNICATIONS, this request includes, without limitation, correspondence in which the Navy was carbon copied.
 - b. ALL DOCUMENTS and COMMUNICATIONS regarding any and all contamination found in water originating from the Navy's water distribution system at 'Aiea Hālawa Shaft, a drinking-water source for the United States Military on Oahu. As to COMMUNICATIONS, this request includes, without limitation, correspondence in which the Navy was carbon copied.

Red Hill Inspections

3. All DOCUMENTS and COMMUNICATIONS relating to any and all inspections of the structural integrity of the Red Hill USTs, pipelines, and/or UST system conducted since May 6, 2021. This request includes, without limitation, any and all testing conducted on the supply piping in the RED HILL lower access tunnel that released fuel during the refilling of Tank 20 on or about May 6, 2021.

EPA's Request for Information

4. All DOCUMENTS and COMMUNICATIONS produced by the Navy in response to EPA's Request for Information Pursuant to Section 9005(a) of the Resource Conservation and Recovery Act, Section 308 of the Clean Water Act and the Administrative Order on Consent (EPA DKT NO. RCRA 7003-R9-2015-01/ DOH DKT NO. 15-UST-EA-01) as referenced in the EPA's extension request approval letter dated June 7, 2022 (**Attachment 1**).

Defueling Timing

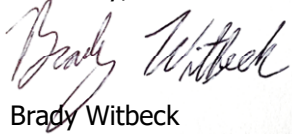
5. All DOCUMENTS and COMMUNICATIONS to and from the Navy relating to the amount of time it has taken or would take to defuel a Red Hill UST and/or the Red Hill UST system.

To the extent that there are any documents, or portions thereof, which EPA determines are exempt from disclosure and seeks to withhold, please provide us a listing of such documents as soon as possible and provide us with a listing of the names and titles or positions of each person responsible for the denial of such request as required under 5 U.S.C. § 552(a)(6)(C)(i).

It is our understanding that by submitting this single request to your office, you will notify all appropriate divisions and departments within EPA to produce any and all responsive documents. If this is not correct, please contact us immediately. We are aware that costs for the fulfillment of this request may be over twenty-five dollars (\$25.00). We hereby confirm in advance our willingness to pay the costs for the fulfillment of the request up to one hundred dollars (\$100.00). If the costs are expected to exceed this amount, please contact me prior to performing any photocopying in excess of that amount. Additionally, we would appreciate a response to this request as soon as possible, and within the 20 days provided by 5 U.S.C. § 552(a)(6)(A)(i).

Please do not hesitate to contact me to discuss copying arrangements or any questions or additional information needed to conduct your search. Thank you for your assistance.

Sincerely,



Brady Witbeck

ATTACHMENT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Sent via E-Mail: timothy.j.kott@navy.mil

Rear Admiral Timothy J. Kott
Joint Base Pearl Harbor Hickam
Commander, Navy Region Hawaii
850 Ticonderoga St, Ste. 110
Pearl Harbor, HI 96860-5101

Re: Request for Second Extension of Time to provide Information Pursuant to Request for Section 9005(a) of the Resource Conservation and Recovery Act, Section 308 of the Clean Water Act and the Administrative Order on Consent (EPA DKTNO. RCRA 7003-R9-2015-01/ DOH DKTNO. 15-UST-EA-01)

Dear Rear Admiral Kott:

This letter is in response to the Department of Navy's (DON's) June 3, 2022, request for a second extension of time to provide a subset of information requested by U.S. Environmental Protection Agency Region 9 (EPA) on April 25, 2022 (Request for Information). On May 5, 2022, the DON requested an initial extension to June 4, 2022, which U.S. EPA Region 9 (EPA) granted on May 6, 2022. DON has since provided items 1-9 from the Request for Information. DON is now requesting an extension to June 30, 2022, to provide the last requested item (Item 10) concerning reports and updates from the May and November 2021 Red Hill facility releases.

EPA hereby grants your request for an extension on the condition that DON provide EPA a publicly releasable version of the reports that EPA may post on its website. Posting is needed due to the high level of public interest in these reports. This extension does not preclude compliance with all other regulatory requirements.

If you have any questions, please contact S. Bobby Ojha of my staff at (415) 972-3374 or at ojha.bobby@epa.gov, or Dustin Minor in our Office of Regional Counsel at (415) 972-3888 or at minor.dustin@epa.gov. Your cooperation in this matter is appreciated.

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

cc: Captain Troy Gronberg, Contracting Officer Representative – 3rd Party Assessment of Red Hill
Naval Supply Systems Command (NAVSUP)

Karnig Ohannessian, U.S. Navy
Kathleen Ho, Deputy Director, Hawai'i Department of Health